

**MINUTES OF THE REGULAR MEETING  
CITY COUNCIL  
LITTLE CANADA, MINNESOTA**

**SEPTEMBER 27, 2023**

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 27<sup>th</sup> day of September, 2023 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Mayor Tom Fischer called the meeting to order at 7:34 p.m. and the following members of the City Council were present at roll call:

**CITY COUNCIL:** Mayor Fischer, Council Members T. Miller, Kwapick, Gutierrez and D. Miller.  
Absent: None.

**ALSO PRESENT:** City Administrator Chris Heineman, Community Relations Manager Laura Linehan, City Attorney Chad Lemmons, City Engineer Eric Seaburg and City Clerk/HR Manager Heidi Heller.

**APPROVAL OF MINUTES**

T. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-9-100 – APPROVING THE MINUTES OF THE SEPTEMBER 13, 2023 WORKSHOP AND THE SEPTEMBER 13, 2023 REGULAR MEETINGS AS SUBMITTED***

The foregoing resolution was duly seconded by D. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**ANNOUNCEMENTS**

The City Clerk announced that absentee voting began on September 22 and the Roseville School Board members are the only item on the Little Canada ballot this year. She provided details on how residents can vote.

**PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

**REQUEST FOR A STAY OF NON-RENEWED TOBACCO LICENSE FOR THE HOOKAH HIDEOUT AT 3 LITTLE CANADA ROAD EAST**

The City Clerk explained that the City Council denied the renewal of the tobacco license for the Hookah Hideout at its July 26 meeting, citing several reasons and concerns. She stated that on August 18 the Hookah Hideout filed an appeal in District Court, noting that is anticipated to take a few months to get through the process. She stated that on August 21, the business filed a motion to stay the City's decision, pending the appeal. She noted that the Court of Appeals denied that request stating that the business should have asked the City Council, so on September 13 the attorney representing the business requested that stay from the City. She stated that this is a public hearing, and the Council is asked to consider the stay of the tobacco license request tonight.

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Mayor Fischer asked the person representing the Hookah Hideout to provide an overview.

Bryan Battina, Attorney for Hookah Hideout, provided the City Council members with handouts that he had prepared. He commented that as outlined, they are requesting that the Council consider a stay of the denial of the renewal application pending the results of the appeal. He noted that within the packet there is a summary of the background and applicable case law that should be considered by the Council. He stated that the Council should consider whether the appeal raises substantial issues, whether there is injury to one or more parties in the absence of stay, and the public interest and potential risk to the public. He noted that each of those elements is addressed in the packet. He stated that they believe that the City Council did not have sufficient evidence to rule the way that it did. He commented that the motion that was adopted and ruled upon, although there was a lot of discussion, there was no discussion about the violations and basis for why the City Council denied the renewal application. He stated that he is not present to argue why the City Council was wrong, but to present their argument, noting that he believes that the Court of Appeals will reverse the decision. He stated that the packet identifies the financial injury to the business as a result of the license denial, including the loss of income (\$5,500 per month), continuing to pay employees (\$10,000), and updates that were made to comply with the fire code (\$15,000). He stated that the packet also addresses public interest, noting that they conducted a random survey of a sampling of the approved establishments at the May 27 City Council meeting. He noted that they pulled police incident reports for tobacco and alcohol license renewals noting that the Hookah Hideout had far less police reports than six of the seven establishments that they compared the business to. He commented that the potential injury to the public is actually less than the other establishments that were granted approval. He noted that those establishments were not questioned in relation to public interest. He asked the Council to seriously consider allowing the business to remain open, pending the results of the appeal, as he believes that the court will reverse the decision of the Council based on how the ruling was made.

Mayor Fischer explained the procedure for the hearing.

Mayor Fischer opened the public hearing for comments from the general public.

John DeRosa, owner of Little Canada Smoke Shop, commented that he would like to address what has occurred since the closing of the Hookah Hideout. He commented that everything has been better since that time noting that the parking lot has been cleaner, the safety concerns and concerns of vandalism have improved, and there have not been any vehicle break ins. He commented that he has had old customers return, explaining that they were not coming to his business because of the Hookah Hideout concerns. He stated that people have also been walking their dogs in that area again. He commented that there was a petition signed by over 100 residents within a few days, the majority of which are business owners in the Thunder Bay strip mall, that oppose the business opening back up. He commented that several emails were also sent in opposition of the business reopening. He commented that since that business has closed, he and his employees have experienced more underage people attempting to purchase tobacco and more people trying to smoke hookah in his stop without correct identification. He commented that the majority of those people are trying to show pictures of identification on their phones and when he explains that they do not accept that form of ID, the person states that they used that form of identification at the Hookah Hideout. He commented that the Thunder Bay strip mall is reestablishing the position that underage sales will not be allowed now that

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Hookah Hideout is closed. He commented that in his eyes the safety of the community should come first, recognizing the potential cost that could come from this process. He asked the City to stand up for what it believes in and not succumb to bullying. He stated that if the business is allowed to reopen it will go one of two ways, either it will go nuts until the wheels fall off to make as much money as it can before the end of the smoking allowance, or it will turn into a boy scout until the court ruling is made. He commented that the business has proven year after year that it does not comply. He commented that the City should put safety, its citizens, and its business owners first and deny this request.

Mr. Battina commented that he can respectfully understand why Mr. DeRosa would want the business to remain closed as he owns the only competition in the mall. He commented that the issue is relied upon is safety concerns. He stated that in the renewal period leading up to this, the Hookah Hideout had nine police incident reports, none of which were related to safety issues. He stated that he did not see anything in the record documenting the safety issues. He commented that the Hideout has offered to make concessions, and did so, before it was shut down. He commented that in 2017 the Hogsbreath had a shooting by one of their patrons and the Council allowed that license to be renewed with certain conditions. He commented that the Hideout has offered to do the same provisions by adding security and additional staff. He stated that the issue seems to be garbage in the parking lot or too many people/customers, but there does not seem to be an issue of safety. He stated that those other things can be resolved with concessions that they have agreed to, reviewing those examples. He stated that the equities weigh heavily in allowing the Hideout to remain open.

Mayor Fischer commented that he has not had a chance to review the packet just provided. He noted that selling to underage patrons, being open during COVID, and the fire code issues are safety related issues.

Mr. Battina replied that the fire code issues have been resolved, prior to the application, and the sales to underage persons were not unique to Hookah Hideout as the bp gas station also had two failed compliance checks during the same period. He asked why that business was granted a renewal without the same questions.

Mayor Fischer commented that another key point was that Mr. Nelson is responsible to run the business per the Little Canada ordinance which states that the owner must manage the business. He commented that his own testimony made it clear that he was not actively managing the business and does not even live in the area, therefore that was not in compliance either.

Mr. Battina asked why that was not the reason why the Council denied the application, noting that the denial was based on three different issues and that was not one of them. He commented that the motion did not address whether he was managing the bar.

The City Attorney commented that whatever incidents may have occurred with other licensees are not relevant, only the incidents at the Hookah Hideout. He commented that they are not present to argue the appeal, but to decide whether to grant a stay. He commented that public safety is a big factor in whether to grant or not grant a stay. He commented that the testimony taken during the two hearings that occurred prior to the decision on the Hookah Hideout license provided definite evidence of the

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safety concerns and the Council has every right to take into account what it heard at those prior hearings.

Kwapick asked if the police incidents mentioned included the underage compliance checks.

Mr. Battina replied that he would assume that is what the proactive visits were.

Kwapick commented that it is not made clear as to what those proactive visits were, as it could have been to check storm damage.

Mr. Battina explained that it is a proactive visit and not a response to a violent offense or 911 call.

Kwapick commented that part of the reason the renewal was denied was because of three failed checks and he could not find that in the packet provided by Mr. Battina.

T. Miller commented that those would not be documented as a 911 call report.

Mr. Battina commented that there was no evidence presented at the hearing about the compliance checks.

T. Miller commented that the Council are not attorneys and therefore the information is not presented in that manner. She stated that those things were discussed and were part of the record of those meetings. She stated that they discussed the fact that Mr. Nelson is not in the building managing the store as well as the failed compliance checks. She stated that the information is there, but perhaps not completed in the way it would have been presented to a court. She noted that those items were a large part of the discussions leading up to the decision.

Mr. Battina commented that the City Code says one thing and he does not believe that the Council followed that Code as there was nothing about a conviction presented.

There were no further comments from the public. Upon motion by Fischer, seconded by T. Miller, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

Gutierrez commented that on the dates where they discussed these issues, the Hookah Hideout demonstrating a lack of willingness to address the issues noting that Mr. Nelson stated that he was not responsible for the parking lot and that he had difficulty hiring staff that was able to follow the rules. She stated that Mr. Nelson also cited not living in the area and demonstrated a lack of willingness to create a safe environment. She noted that once Mr. Nelson could see that the Council could revoke the license, he came back with a different attitude. She stated that demonstrates that he cannot be trusted as his story changed.

Mayor Fischer agreed noting that in the first hearing Mr. Nelson openly admitted that he did not believe that anything that happened outside his business doors was his responsibility, but in the second hearing there was much more willingness to do what was necessary to maintain the license.

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T. Miller commented that from her perspective, she would be happy to let the Court of Appeals make the decision and is comfortable with the decision the City made. She commented that she would be willing to look at a stay, but a number of conditions would need to be imposed and adhered to in order to keep the stay in place. She noted some of the conditions that had previously been discussed, such as limiting the hours, having a security person on duty at all times the business is open (off-duty police or licensed security person), having regular monitoring of the parking lot for clean-up (at least every four hours), the back door shall remain closed at all times and only used as a fire exit, employees and customers of the Hookah Hideout would not have any contact with the other businesses/customers of the Thunder Bay mall unless first approached by those customers, and David Nelson would be required to be on premises a minimum of four hours per day to manage his staff and operation of his business. She commented that if there were any violations of those conditions, that would result in immediate revocation of the stay.

D. Miller commented that he believes the Council made the right decision with the information it had, as there was a lack of cooperation from Mr. Nelson related to the activities of his customers. He commented that public safety is number one and that is related to the management of those customers. He commented that after denying the license, the open sign was still there and turned on, therefore he could not tell if the business was open or not. He stated that if the conditions are placed upon the stay, he could consider that.

Kwapick acknowledged that this is not a court process, but a public hearing and in the previous public hearings there was testimony that there were customers driven away from other businesses, that employees from other businesses had to shift hours to be able to feel safe, local neighbors were bothered by noise, smell and other issues, along with other illegal activities occurring. He stated that from what he has heard about the public related to public safety, he supports the business remaining closed.

Mayor Fischer asked if Kwapick believed the public safety would be protected if the business were allowed to operate under a stay with the conditions mentioned.

Kwapick stated that he has yet to see the commitment from the business to actually follow through, or willingness to do so, other than what has been put on paper, therefore he is not willing to change the risk to public safety.

Gutierrez commented that she feels that the business was posing a health hazard with the odors seeping into the adjacent businesses, and none of those conditions would mitigate that concern.

Mayor Fischer commented that he agrees that public safety is the number one concern and stands firm that the Council made the right decision based on sound criteria related to compliance, public safety, and administration of the ordinance. He stated that as the Council has been advised, whether the stay is granted or not should be primarily based on public safety and being able to ensure the safety of the people that live, work and shop in that area. He commented that is a well-traveled area of the city that they were very proud of and that had eroded in recent years. He commented that if the stay is not granted, the case will go through the Court of Appeals and while the City believes firms in its stance, they do not know how that will turn out. He stated that if the stay is granted with a number of key

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restrictions on performance, the business would be open again and could remain open if those conditions are followed. He acknowledged that people are not thrilled with the nature of the business but there was a time when the businesses operated in harmony. He commented that he agrees with the other members of the Council that spoke to the fact that there has been a lack of control of that business and until the license was at risk, the owner of the business was not willing to offer cooperation. He stated that the key for this is whether the Council believes that the conditions that could be placed upon the stay would be sufficient to satisfy public safety.

T. Miller reiterated that if any of the conditions were not to be met, the stay would be revoked.

Mayor Fischer referenced the condition that Mr. Nelson would need to be onsite four hours per day of each day the business is open. He asked if there would be vacation days factored in, noting that some of those details would need to be further developed.

The City Attorney commented that City staff did receive a number of emails on this issue and asked for confirmation that the Council received those emails. He asked whether those emails would be part of the record.

The City Administrator replied that those emails were not a part of the packet but were provided to the Council prior to the meeting tonight at the workshop meeting.

Mayor Fischer referenced the petition that was referenced by the speaker at the public hearing and confirmed that members of the Council had seen the petition.

The City Attorney asked and received confirmation that the decision of the City Council is not based solely on the petition and is basing its decision on the other issues that had been mentioned. He asked and received confirmation that the Council is taking into account the prior testimony that was provided at the prior public hearings. He asked the expectations of the security staff, should the stay be granted with that condition.

Mayor Fischer commented that his expectation would be that the security personnel would ensure the clients are leaving the business at the close of the business, that people are leaving the parking lot, and that the parking lot is then clean of debris.

The City Attorney asked if there is a concern of loitering during the daytime hours. T. Miller confirmed that was a concern.

The City Attorney received clarification that the Council was not asking that Hookah Hideout clean the entire parking lot, but the area near that business. He asked how often that should be done. T. Miller commented that it should be done every four hours during business hours.

Gutierrez noted that enforcement related to consumption of alcohol should also be addressed. T. Miller agreed that the security should also be ensuring that there is no alcohol coming onto the premises, as there has been testimony of customers bringing alcohol into the business and leaving

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empty liquor bottles in the parking lot. She stated that there were also issues of defecation in the parking lot, which should never happen, and security should ensure that is not occurring.

The City Attorney clarified that the security would only be responsible for any drinking that would be taking place by a customer or employee of the Hookah Hideout and not the individuals that are not customers or employees of the Hookah Hideout.

Gutierrez noted that this is an example of how this differs from the situation with Hoggsbreath as that business owns the parking lot so they have more control. She commented that in this situation it may be difficult for security to patrol and determine where the border is. She asked if public safety could be ensured with these conditions.

The City Attorney asked if Mr. Nelson would be required to be onsite every day for four hours or whether a second in command could be identified to City staff, that could be there in his place. T. Miller commented that at this point Mr. Nelson would need to be onsite personally, otherwise he will always designate someone else. She stated that City ordinance identifies that the owner must manage the business, therefore Mr. Nelson would need to be there, and four hours is a reasonable amount of time. The City Attorney asked if that would apply five days per week or seven days per week. Mayor Fischer commented that the biggest opportunity for the business is nights and weekends. T. Miller acknowledged the difficulty in that.

Mayor Fischer commented that Mr. Nelson should be specified to be onsite a certain number of hours and then the delegate could act in his place during the other times. He noted that Mr. Nelson and/or the delegate would then be responsible during the open hours of operation. D. Miller stated that perhaps a certain number of days should be identified for Mr. Nelson, otherwise he would simply delegate to the other party. T. Miller agreed. She commented that David Nelson needs to be there and that should be the least to expect after all of this. She stated that if he is not there five days per week, four hours per day, during times the business is open, the business should not be open. She commented that perhaps he is not present during all peak hours, but then a second in command should be identified and present during the times Mr. Nelson is not. Mayor Fischer commented that it is the City expectation that the owner operates the business and therefore this is not something new.

The City Attorney asked if Mr. Nelson would be required to be there on at least one of the peak days, either Friday or Saturday. T. Miller agreed that should be a requirement. She acknowledged that Mr. Nelson has other businesses and perhaps it would be easier for him to be there on a Saturday.

The City Attorney asked if the stay were granted with conditions, would there be an allowance for a breach of those conditions. Mayor Fischer commented that would be on a per condition basis, noting that underage sales would be an immediate revocation, while perhaps a whiskey bottle in the parking lot would be a strike.

The City Attorney asked if there would be another hearing in the event of a violation to decide if the stay were going to be revoked. Kwapick asked if the Council would reserve that right. The City Attorney confirmed that right could be reserved.

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The City Attorney noted that all these details would need to be outlined as part of a motion if the Council decided to grant the stay.

Mayor Fischer stated that the issue of whether or not to grant the stay would be whether the conditions could address the issue of public safety. T. Miller commented that if the conditions were met, she believed that those conditions could address the matter of public safety. She commented that they have discussed this over and over again and the owner has not acted in good faith over the years, therefore she is unsure if the conditions would be met. D. Miller commented that on paper the conditions look good but with the actions of the business owner he would be hesitant to believe that they would be followed and then they would be right back in this situation in one month. Kwapick stated that he does not believe the conditions would address all the issues of public safety.

Gutierrez stated that she had nothing further to add.

Mayor Fischer referenced the emails that were received and asked if there is anything from the perspective of public safety that should be entered into the record.

The City Clerk commented that the emails state that since the business has been closed the parking lot has been cleaner, people feel safer walking to their vehicles, the general feeling of safety has improved. She commented that complaints were received from residents that live behind the mall relating to the smoke smell from the business and the activities they observe, noting a lot of urination happening behind the business.

The City Attorney noted that testimony was received on all of those issues.

Mayor Fischer commented that the decision the City Council made was wholeheartedly the right thing to do and now the pushback relating to the stay relies solely on public safety and potential liability should the courts decide something different. He stated that the Council must consider those two aspects.

The City Attorney commented that the City Council is hearing the legal obligation to consider a stay, as required by the rules of civil appellate procedure and has nothing to do with anything other than that. Kwapick asked for clarification on the options before the Council.

The City Attorney stated that the Council could grant the stay without conditions, grant the stay without conditions, or deny the stay. He stated that in any case, the Council should explain why it is taking that action.

T. Miller introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2023-9-101 – APPROVING THE STAY WITH THE FOLLOWING CONDITIONS:**

- 1. HOURS SHALL BE LIMITED BETWEEN 8 A.M. AND 11 P.M.**
- 2. SECURITY PERSON/OFF-DUTY LICENSED POLICE OFFICER OR PROFESSIONAL CONTRACTED SECURITY PERSONNEL SHALL**



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***REGULARLY PATROL THE HOOKAH HIDEOUT PATRONS AND EMPLOYEE ACTIVITY, INCLUDING THE PARKING AREA AND ADDRESSING LOITERING***

3. ***SOMEONE SHALL ENSURE THE PARKING LOT IS FREE OF DEBRIS, CHECKING EVERY FOUR HOURS (THE AREA WITHIN 100 FEET IN ANY DIRECTION OF THE FRONT DOOR TO THE HOOKAH HIDEOUT)***
4. ***THE BACK DOOR SHALL REMAIN CLOSED AND ONLY USED AS A FIRE EXIT. IT SHALL NEVER BE USED AS AN ENTRANCE/EXIT.***
5. ***EMPLOYEES AND CUSTOMERS OF HOOKAH HIDEOUT CANNOT HAVE ANY CONTACT WITH EMPLOYEES OR CUSTOMERS OF THUNDER BAY MALL UNLESS CONTACT IS INITIATED BY THOSE TENANTS OR CUSTOMERS FIRST.***
6. ***DAVID NELSON IS REQUIRED TO BE ON PREMISES A MINIMUM OF FIVE DAYS PER WEEK, FOUR HOURS PER DAY, INCLUDING ONE PEAK DAY (LIKELY SATURDAY) IN ORDER TO MANAGE THE ACTIVITES OF HIS STAFF. MR. NELSON MUST APPOINT A SECOND IN COMMAND, WHO WILL BE IDENTIFIED TO CITY STAFF, THAT WOULD BE IN CHARGE WHEN MR. NELSON IS NOT PRESENT.***
7. ***ANY VIOLATION OF THESE CONDITIONS MAY RESULT IN REVOCATION OF THE STAY, WITH THE POTENTIAL OF ONE STRIKE FOR LESSER VIOLATIONS, TO BE REVIEWED BY COUNCIL.***

The motion failed for lack of a second.

Kwapick introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2023-9-101 – DENY THE REQUEST FOR THE STAY FOR THE HOOKAH HIDEOUT, WITH THE FINDING THAT THE PREVIOUS MOTION WOULD NOT PROVIDE ADEQUATE PROTECTION FOR THE PUBLIC, TENANTS, OR NEIGHBORS.**

The foregoing resolution was duly seconded by Gutierrez.

Further discussion: Mayor Fischer commented that business owners, residents and employees of other businesses have felt threatened.

Ayes (4). Nays (1) (T. Miller opposed). Resolution declared adopted.

**PRESENTATIONS**

**TUBMAN: ADVOCACY AND VICTIM RIGHTS**

The City Administrator introduced the member present from Tubman tonight. He noted that he and Mayor Fischer has the opportunity to meet with staff members from Tubman recently, explaining that the organization provides assistance in certain court cases.

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Jennifer Dickinson, Tubman, explained how their legal advocacy services work and how that would apply to residents of Little Canada. She explained that the organization works with victims of violence, trafficking, etc. She stated that one of their main programs is their legal programs, noting that they provide advocacy in three counties and reviewed some of the legal services that they assist with. She noted that tonight she will focus on legal advocacy services in Little Canada, providing details on how they work with the Sheriff to identify those that may need assistance; how they offer assistance, services, and safety planning; and work with victims until their case is resolved. She stated that cases have become more complex and provided more details. She commented that funding has been very difficult and therefore they have started to visit the cities they serve to explain how this lack of funding could impact their ability to serve the community. She commented that the advocate serving the Little Canada area is present tonight and has received permission from a client she has served to provide details on that process.

Emily Barnhill, Advocate for Little Canada, commented that she has served this area for the past three years. She noted that she received permission from a Little Canada resident that she has worked with for some time to share her story. She explained how the domestic violence incident triggered their services, noting that the resident utilized the shelter resource to get to a safe place after the incident. She stated that they worked together from the time of that incident in fall of 2021 through February of 2023. She noted that there were 55 cases in 2022 and those have a larger lifespan than just the one case on paper. She noted that the one incident of domestic violence became four criminal violations in this jurisdiction. She commented that they not only assist with court services but also connect the victim with a wide range of services that are available, providing details. She explained that in this instance, the domestic incident triggered the removal of the abuser from the home, noting that was the primary income for the family as well, therefore she was able to connect the victim to the network of social services. She explained the work that she was able to do with the victim to protect herself and her children and provide security, both immediately and for the long term. She commented that they focus on sustainability because it is a complicated issue, and it is not easy to leave situations of abuse when there are other factors in play such as children and finances. She commented that they were also able to provide gift cards for groceries and were able to provide gift baskets during the holidays. She stated that during that 1.5 years of this case, there were 51 points of contact with this client, 31 on behalf of contacts, three civil hearings attended, and 25 criminal hearings attended. She noted that those are just numbers for the services received by one Little Canada resident and a story of success where this resident was able to leave that situation and become successful.

T. Miller commented that there is not any funding received from Ramsey County and asked if they have approached Commissioner McGuire, as she believes that Commissioner would advocate on their behalf for funding. She commented that she believes the organization should be receiving some funding from Ramsey County.

Ms. Dickinson agreed noting that they used to receive some funding Ramsey County but the last time that was received was over three years ago. She stated that Ramsey County does have an RFP for domestic violence services, which they applied for and were granted \$15,000 per year, but the focus then changed designating that funding for emergency housing support. She noted the remainder of that funding was allocated to an entity in Saint Paul. She stated that she would love to reach out to Commissioners, or any connections that could be made as she has not had success. She stated that

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when comparing the services they provide in the three counties, the other two counties provide substantial funding to do this work. She stated that they have then made the decision to approach the cities because they have not had success with Ramsey County.

Kwapick thanked the organization for the work it does, noting that he works at the University of Minnesota and the Aurora Center has been connected to Tubman. He referenced the family law services, asking who the organization works with for legal representation as that can be daunting. Ms. Dickinson commented that they have a pool of about 200 volunteer attorneys, with about 100 of them taking cases on a regular basis. Ms. Barnhill commented that there are some legal services available through Tubman but there is a higher need which causes them to go outside for volunteers as well.

Mayor Fischer commented that in prior years the organization has been able to serve the communities without additional funding and asked what has changed that is driving this request.

Ms. Dickinson explained that three years ago, the small amount they were receiving from Ramsey County went away so they cut a half-time person working in the Ramsey County program. She noted that they have since relied on interns to assist with those duties. She commented that 60 percent of their funding comes through the State from the Office of Justice, noting that funding has remained flat for the past six years and will continue to remain flat for at least the next two years, while costs continue to rise. She stated that two years ago the decision was made to cut a full-time person from the Ramsey County program. She noted that they have been unable to provide the same services with one less full-time person and therefore had to reduce services to focus on intimate partner services, whereas they previously offered assistance in all domestic violence cases. She stated that has been difficult, as the City Attorney then has to provide the victim's rights and it is not their role to provide advocacy to victims. She was unsure what the next few years would bring as they know the main funding will remain flat. She stated that they will continue to have conversations to identify what will be needed to sustain the program, and what will happen if that goal cannot be reached.

Mayor Fischer thanked the women for the services that the organization provides, noting that it is much needed work, and they appreciated the dedication to people in this community and other communities. He commented that as they mentioned in their discussion, the preliminary budget has been set but some of those numbers may fluctuate and they will have this issue in the front of their mind as funds may become available.

**CONSENT AGENDA**

T. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-9-102 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:***

- Approval of the Vouchers
- Approve Partial Payment Request No. 4 to MN Paving & Materials for Twin Lake Boulevard Improvement Project

The foregoing resolution was duly seconded by D. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

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**STAFF REPORTS**

**PIONEER PARK IMPROVEMENT PROJECT CHANGE ORDER NO. 4**

The City Engineer explained tonight the Council is asked to consider a change order for the Thunder Bay/Westwinds trail extension. He described the path the trail would take to reach Pioneer Commons. He noted that once this is completed and the Pioneer Commons trails are completed, the trail would provide complete connection. He asked the Council to consider the change order to add the trail to this project. He anticipated that the work could be completed this fall, weather permitting. Mayor Fischer asked and received confirmation that this was planned as part of the project but there is now the opportunity to complete this element in 2023 instead of 2024.

The City Engineer confirmed that the design was completed ahead of schedule and funding is available, therefore staff would like to move forward because of the public demand for this amenity. The City Administrator commented that there would also be a savings of \$75,000 from the original anticipated cost in 2024. Mayor Fischer noted that this would then be completed faster and at a lower cost.

T. Miller asked for details on the crosswalk signs and whether they would be lighted. The City Engineer noted that the signs have not been purchased yet and staff will review the different sign options, including whether those would be lighted. Mayor Fischer confirmed that the main concern was the crossing at Edgerton and confirmed the consensus for a desire of a lighted crossing in that location. The City Engineer confirmed that there is intent to have some type of lighted alert for that crossing.

D. Miller introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2023-9-103 – APPROVING CHANGE ORDER #4 IN THE AMOUNT OF \$161,370**

The foregoing resolution was duly seconded by T. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**UPDATED PREVENTATIVE HEALTH AND EMPLOYEE RECOGNITION POLICY**

The City Administrator explained tonight this item was noted in the 2022 audit as a finding, based on the policy language. He stated that one of the directions from the auditor was to amend and correct the policy. He noted that information was requested from the League of Minnesota Cities in order to compare the policies to other policies. He identified the areas where the policy was further amended to comply with the suggestions from the auditor and State Statute. He recognized that the Council may want additional time to review the additional amendments distributed tonight.

Mayor Fischer commented that it did not seem that the additional changes were materially different, simply broadening it to match State Statute rather than being more specific to the City. He asked the type of activity that was flagged in the audit. The City Administrator stated that holiday parties were flagged, further explaining that it is a staff and volunteer recognition event that is held near the holidays. He noted that the language related to holiday parties was removed and they would intend to

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continue the event, in a compliant manner. Mayor Fischer acknowledged that the holiday party has been a year end recognition event and therefore perhaps would be better described as such.

D. Miller referenced the service anniversary awards, perhaps breaking that out between employees and elected officials, and volunteers that serve on Commissions. He noted that the elected or appointed officials/volunteers could be recognized for their terms.

D. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-9-104 – APPROVING A POLICY IMPLEMENTING AND ALLOWING EXPENDITURES FOR AN EMPLOYEE VOLUNTEER RECOGNITION PROGRAM AND OTHER PUBLIC PURPOSES, WITH THE ADJUSTMENTS TO THE SERVICE ANNIVERSARY AWARDS AS DESCRIBED***

The foregoing resolution was duly seconded by T. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**CITY PROCLAMATION POLICY**

The Community Relations Manager explained tonight the Council is asked to review and approve the draft proclamation policy and procedures. She stated that there currently is not a policy for how proclamations are brought, or not brought forward to the City Council and therefore staff thought it would be appropriate to be proactive on the matter. She explained how staff collected feedback from comparable communities in order to draft the policy. She provided an overview of the information and procedures in the draft.

D. Miller asked if this information would be available on the website, or how this would be promoted. The Community Relations Manager explained that currently requests are received sporadically and agreed that placing the information on the website would be helpful. The City Administrator noted that often requests are received from outside the community and also agreed that having the information on the website would be helpful.

D. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-9-105 – APPROVING THE CITY PROCLAMATIONS POLICY AND PROCEDURES***

The foregoing resolution was duly seconded by T. Miller.  
Ayes (5). Nays (0). Resolution declared adopted.

**COMMUNITY OUTREACH UPDATE**

The Community Relations Manager explained that the purpose of tonight is to provide an overview on community outreach since her time joining City staff two months ago. She provided information on community relations including the status of outreach meetings, and operations including the development of a public engagement plan and related timeline, brand style guide, and emergency communications. She reviewed details on communications including Le Petit Canadien E-News and

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social media. She reviewed some of the forms of community engagement as well as information on strategic initiatives. She stated that the Council can help by encouraging residents to follow the City's social media platforms, signup for the E-News, and share posts on social media. She stated that if members of the Council continue to receive the same question by multiple residents, they should alert staff and that information can be shared through the "did you know" campaign.

Gutierrez noted the unofficial Little Canada page on Facebook. The Community Relations Manager asked for details on the page name, noting that from a community engagement standpoint she would like to identify the moderators and potentially meet with them. Mayor Fischer commented that he has seen that page himself and perhaps there could be a clarification in the name of the group, as it appears that would be a City monitored site and it is not.

**COUNCIL REPORTS AND MEETING UPDATES**

D. Miller provided an update on the recent meeting of the Cable Commission.

T. Miller provided an update on the Northeast Youth and Family Services strategic plan unveiling that she attended. Mayor Fischer commented that it was fascinating to hear their perspective on working in the schools.

Kwapick commented that there is a Historical Society meeting the following morning that he is unable to attend, but would obtain the minutes to provide an update at the next Council meeting.

Mayor Fischer commented that he attended the Minnesota Mayors Association meeting earlier this afternoon and provided a brief recap of the topics discussed.

**ADJOURN**

**There being no further business, the meeting was adjourned at 9:42 p.m.**

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Thomas Fischer, Mayor

Attest:

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Christopher Heineman, City Administrator

**From:** [REDACTED]  
**To:** [Heidi Heller](#)  
**Subject:** Written Comments for City Council Meeting on 9/27/2023  
**Date:** Monday, September 25, 2023 11:00:04 PM  
**Attachments:** [City Council Letter 092523.pdf](#)

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**Caution:** This email originated outside our organization; please use caution.

Hi Heidi,

Attached are my comments for the council meeting on Wednesday, September 27. Please reach out with any questions or concerns.

Thank you,  
John

September 25, 2023

To whom it may concern,

I am writing to express my concerns about the reopening of the Hookah Hideout. Ever since the council voted unanimously to revoke their license, the atmosphere at Thunder Bay Strip Mall has changed for the better. My customers have expressed feeling safer, the business owners and employees of the strip mall have also shared how they feel safer. There has been no vandalism or car break-ins, the parking lot looks so much cleaner, and many residents from the Mayfield have complimented the air quality and smell. Word is getting around that Thunder Bay strip mall is not the place for underage children to purchase tobacco anymore. Since their license has been revoked, we have received numerous attempts of underage customers trying to purchase hookah and tobacco, and when they are told they will not be served, they state they were able to purchase from the Hookah Hideout.

The number one concern for our community should be the safety of residents and visitors. Time and time again, it has been proven that this is not a safe business to be operating in the city of Little Canada. I understand that may mean spending money to ensure the safety of the community, but I believe it will be worth it in the long run.

There is a petition signed by a majority of the business owners in Thunder Bay Strip Mall, along with several residents and patrons, to keep the Hookah Hideout out of Little Canada. These signatures were only collected over a couple of days following notification of the City Council meeting. If there was more time, I believe there would be many more signatures. Please do not be bullied into reissuing a license to an establishment that every member of the council voted to revoke.

The city of Little Canada is a much safer, cleaner, and reputable community without the Hookah Hideout.

I appreciate your time,



Owner - Little Canada Smoke Shop



**From:** [REDACTED]  
**To:** [Heldl Heller](#)  
**Subject:** Hookah  
**Date:** Monday, September 25, 2023 6:53:54 PM

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**Caution:** This email originated outside our organization; please use caution.

I live at Mayfield apartments on the south side right behind the Hookah. When I moved here I had no idea that the Hookah was in the strip mall.

When the wind is from the south and the door to the hookah is closed and all my windows are closed the smell comes right into my apartment. I have two air purifiers but they do not take the smell away and when the weather is nice I cannot even open my windows because of the smell.

I have had some bad experiences with the hookah, people urinating out in the south parking lot and a lot of yelling and screaming late at night.

This has all been eliminated when you revoked their license.

There should be a way to get the smoke so it does not affect people who live nearby. There are many people who live here that feel the same way I do.

PLEASE do not give them their license back.

Please let me know if there is anything I can do to help with this situation, as I really do not want to move.

Thanks  
Mayfield resident

**From:** [REDACTED]  
**To:** [Heidl Heller](#)  
**Subject:** Hooka hideout  
**Date:** Tuesday, September 26, 2023 9:39:07 AM

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Little Canada would be much cleaner and safer without this shop, lots of underage people somehow get in there. They were even open during the pandemic. It brings in the wrong kind of people to this area. The hooka hideout must go!

Sent from my iPhone

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Hookah Hideout  
**Date:** Tuesday, September 26, 2023 1:31:35 PM

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**Caution:** This email originated outside our organization; please use caution.

Heidi

As a customer of Thunder Bay strip mall, I wanted to express my thoughts on the Hookah Hideout. The mall and the city for that matter is a MUCH better place without this business. This business doesn't try and keep their area of the mall clean

The owners of the Hookah Hideout do not care about our community and it's safety. This was made obvious when they stayed open during the pandemic. Meanwhile other businesses put their best interest aside for the sake of the community.

The Hookah Hideout is known for selling to underage clients, and attracts some clients we would rather not have. The loitering causes safety concerns to myself and others. I would like to see this mall thrive with a business that supports our community, not one that continues to hold it back.

Thank you

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Eastside pizzeria  
**Date:** Tuesday, September 26, 2023 9:23:40 AM

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Good morning. I am writing in regards to the hookah shop that is fighting to stay in the strip mall. I believe it is in the best interest to all business owners in the mall that the hookah shop remains unoccupied due to the safety of all the owners and or employees. I feel it is more safe for the businesses and employees going to their cars after a long day of work. There were several incidents with me personal car being broken into and items stolen out of me car as well as a few others car as well. Since the shop has been closed the mall has been a safer and drama free. If you have any questions please reach out and have a wonderful day. Sincerely [REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Thunder Bay Strip Mall  
**Date:** Tuesday, September 26, 2023 10:29:29 AM

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**Caution:** This email originated outside our organization; please use caution.

Heidi,

I wanted to let you know what a refreshing feeling I have since the Hookah Hideout has been shut down. My family and I feel much safer when we visit the businesses there. The parking lot is also much cleaner and more inviting without all the riff raft loitering out side of the Hideout. It was shocking to me that they stayed open and disregarded the orders during covid. The Hookah Hideout was a blight to the City of Little Canada and the other businesses we frequent in the Thunder Bay Strip Mall. Please keep this business shut down.

Concerned Citizen

**From:** [REDACTED]  
**To:** [Heidi Heller](#)  
**Subject:** Hookah Hideout  
**Date:** Tuesday, September 26, 2023 10:37:21 AM

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**Caution:** This email originated outside our organization; please use caution.

Good morning, I am a customer of the Thunderbay Strip Mall and I wanted to write to the city and let you know that I think the Strip Mall and the city, in general, are much better without the Hookah Hideout. It feels safer and cleaner and I haven't heard of any underage sales since they left.

Sincerely,

[REDACTED]

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[REDACTED]

**From:** [REDACTED]  
**To:** [Heidi Heller](#)  
**Date:** Tuesday, September 26, 2023 11:29:20 AM

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**Caution:** This email originated outside our organization; please use caution.

Being a customer of the Thunder Bay Strip Mall I am writing to let you know I am concerned about the Hookah Hideout reopening. I did not feel safe going to the mall and the owner and employees were sometimes rude when walking by the store. Also they were not concerned about the spreading COVID to not only their customers but the rest of the customers who came to the mall.

The city should look back on why the city shut them down not that long ago.

Thank you

[REDACTED]

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Thunder Bay strip mall  
**Date:** Tuesday, September 26, 2023 2:43:32 PM

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To whom it may concern-

I have been a patron of little Canada shops for my whole life and especially Thunder Bay strip mall. It was brought to my attention that hookah hideout was possibly coming back. I would strongly urge the city of little Canada to decline their business. They have been fought selling to minors which in my opinion is grounds for never coming back. It has also just felt better there sense they left. Cleaner and safer without them. I am not against hookah or legal sales of whatever but once you sell to children you lose me completely. I truly hope you strongly fight this establishment coming back. They also were found open during the pandemic which was illegal at least to my knowledge also I didn't witness them open during it so I am not saying this is 100% correct but it would fit into the shady dealings I do know happened for a fact. Usually I wouldn't take time for this but my cousin was able to purchase products he was not old enough for from their business so it's personal and as a city I hope you look at it the same way.

Thank you for your time

[REDACTED]  
  
Sent from my iPhone



**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Little Canada is better without Hookah Hideout  
**Date:** Tuesday, September 26, 2023 9:37:32 PM

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Heidi,

I have been a lifelong resident of Little Canada. Walk by dog along little canada road there by the Bowling alley....shop at the stores within our city. Over the past year or 2, that hookah hideout had probably more hanging out in the parking lot drinking, leaving trash and empty bottles, and just making that area seem terrible. Now I don't have to be a scientist to see their clientele and know that none of them are from Little Canada.....Most of them are other races, and clearly aren't from anywhere near here. But the HIdeout allowed them to come, drink, hangout, trash the parking lot and make it seem like a unsafe place to walk up there on Little Canada Road. So as a resident.....If people want tobacco, we have the little canada smoke shop.....I have been in there numerous times and they have done things right, building up a business and its a safe place to buy their tobacco. So please think about this, before you allow, or ponder the idea.....of them ever running that Hookah Hideout business in our City ever again.

[REDACTED]

**From:** [REDACTED]  
**To:** [Heidi Heller](#)  
**Subject:** Thunder Bay strip mall  
**Date:** Tuesday, September 26, 2023 8:22:23 PM

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**Caution:** This email originated outside our organization; please use caution.

Just wanted to Email, to tell you  
how much better the Thunder Bay strip mall and the city of Little Canada is without the  
Hookah Hideout. Safer, cleaner no more under age sales.

I wonder why an establishment like that would even be considered to be reopened? Safety of  
the community should always come first. Staying open during the pandemic, are you kidding  
me? I hope the city council does the right thing and keeps the community safe.  
Keep the hookah hideout closed. Thank you for your time. [REDACTED]

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Thunder Bay Strip Mall  
**Date:** Wednesday, September 27, 2023 12:41:29 AM

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**Caution:** This email originated outside our organization; please use caution.

To whom this may concern,

I am writing in today as a member of the community here in Little Canada, and just wanted to share some of my opinions and concerns regarding the Thunder Bay Strip Mall and some of the transitions it has gone through.

My wife and I have been frequent shoppers in the various stores at Thunder Bay strip mall for many, many years. We have been to Donut Hut more times than I can count. And I have been a regular patron at Little Canada Smoke Shop since it's opening.

We have seen a great number of stores come and go in the Strip Mall over the years, and there has only ever been one store that has raised or given any cause for concern in all that time. Unfortunately, this store was the Hookah Hideout. There were several occasions when my wife and I were there shopping that the patrons hanging around outside the Hookah Hideout were loud and obnoxious which was ultimately very uncomfortable. There were rumbles in the community that they were selling tobacco products to underage adults. This is word of mouth of course, but this is the reputation they had carried in the community.

Since the Hookah Hideout has closed, I feel the environment around the Strip Mall has improved greatly. And I feel that this in turn improves the value and integrity of our entire community and the city of Little Canada.

Sent from my T-Mobile 5G Device

**From:** [REDACTED]  
**To:** [Heidi Heller](#)  
**Subject:** Thunder bay strip mall  
**Date:** Wednesday, September 27, 2023 6:30:12 AM

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**Caution:** This email originated outside our organization; please use caution.

Hello Heidi

I am contacting to inform you of my displeasure with the Hookah Hideout. They continually allow drug dealers and scumbags to hang around there store causing problems in the strip mall. Also there blatant disregard for mandates and the fact that the continually sell to underage children. They need to be removed from the mall ASAP.

**From:** [REDACTED]  
**To:** [Heldi Heller](#)  
**Subject:** Just to let you know Thunder Bay strip mall and the city of little Canada, is better off without Hookah Hideout. It's safer cleaner, no more under age sales. They stayed open during the pandemic. It's been so much better since they shut down  
**Date:** Wednesday, September 27, 2023 9:12:38 AM

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Sent from Yahoo Mail for iPhone

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Re: Little canada mall  
**Date:** Wednesday, September 27, 2023 9:37:20 AM

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[REDACTED]

**Caution:** This email originated outside our organization; please use caution.

Hello Heidi

Emailing You in regards to the Crime and Criminal behavior that I witnessed as a pest control tech around the Thunderbay strip mall in Little Canada Minnesota. As I preformed duties around the mall I would see 100 percent of the criminal behavior coming from the Business Known as Hookah Hideout. Many times myself or my employees could not even do simple duties around that part of the mall without some confrontation over something we witnessed and alot of times it involved minors seen wrapped up in this criminal behavior.

Since the closing of 3 Thieves Hookah Hideout business at Thunderbay mall has become a safer, cleaner and less Violent place.

Thank you

[REDACTED]  
Blackbird Pest Control  
[REDACTED]

On Wednesday, September 27, 2023 at 07:15:26 AM PDT, [REDACTED] wrote:

Sent from my T-Mobile 4G LTE Device

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Thunder Bay Strip Mall  
**Date:** Wednesday, September 27, 2023 9:44:00 AM

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**Caution:** This email originated outside our organization; please use caution.

Hello Heidi,

I would like to show my support in my beliefs of how much better the Thunder Bay strip mall and the city of Little Canada is without the Hookah Hideout. We believe it would be a safer, cleaner and without under age sales. We also do not respect any business that would stay open for the Pandemic, when the rest of the globe was shutdown.

Thank you for listening.

--  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** Heidi Heller  
**Subject:** Hookah Hideout  
**Date:** Wednesday, September 27, 2023 10:40:29 AM

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Hello Heidi, this is [REDACTED] over at Little Canada Smokeshop. I believe we have met once or twice before but I just wanted to make sure you knew who the email was coming from. I started here at the Smokeshop at the beginning of November 2022. Since then I have had the privilege of serving the community and it has been nothing but great.

Since the closing of the Hookah Hideout there have been a few differences I was hoping to point out to you. For starters the cleanliness of our parking lot on that end has been night and day different. There is now very little trash and no broken bottles or liquor containers. Comparative to what it was prior that is a huge difference. Also not to mention no police enforcement called for rowdiness on that end of the lot. Another big difference since their closing has been the spike in underage customers. We have had a significant increase in customers coming in with either no license or trying to present a picture of one. We have kindly rejected said customers. Not only for regular tobacco purchases but we have had numerous hookah smoking customers attempt this as well.

After almost one year of 35-40 hours of consistently working at the shop I have grown a bond. Not only with the customers we get to serve but also from being in the community daily. Those customers know when they come here they will receive friendly service and quality products. I personally can confidently say that for our business. Not to mention the numerous other businesses that properly represent the mall and the city. East side pizza, donut hut, both barber shops, the scuba store, Rogers printing. The list could go on and on these are all GREAT representations of the city. I don't believe Hookah Hideout is and they have had numerous attempts at displaying so. The great people of Little Canada deserve the best services available. Not ones that have to be worried about and kept under a microscope in hope they don't slip up again. I hope you get a chance to look over what I have wrote here and take in my opinions/words.

Thank you Heidi!

Sent from my iPhone



**From:** [REDACTED]  
**To:** [Heidi Heller](#)  
**Subject:** Hookah Hideout  
**Date:** Wednesday, September 27, 2023 10:02:32 AM

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**Caution:** This email originated outside our organization; please use caution.

Good morning,

I think the space in Thunder Bay strip mall being occupied by the Hookah Hideout could better utilized by a law abiding business. There seems to be a an element of riff raff that is drawn to that establishment and some appear quite young. I think without the Hookah Hideout the strip mall would be a safer and more pleasurable place to visit.

Thank you for your time  
[REDACTED]

